

### REMARKS

Applicants have amended claims 1 to 4. Accordingly, claims 1 to 4 are presently pending in this patent application. Applicants now address each and every point raised by the Examiner in the above-identified Office action as follows:

I. Objection to the Oath/Declaration

The Examiner indicated that the Oath/ Declaration is defective. Applicants enclose herewith a completed Oath including the residence information, signature and the signing date of the 3rd inventor (Mr. Rhett Hedrick), and including the residence information of the 5th inventor (Mr. Kevin Birch). Applicants submit that together with the originally-filed Oath/Declaration, the enclosed substitute Oath operates to cure the above noted deficiencies and, in view thereof, respectfully request that the objection to the Oath be withdrawn.

II. Claim Rejections Under Section 112

Claims 1 to 4 have been rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite. Applicants have amended these claims to address the point raised by the Examiner and, in view thereof, respectfully request that the rejection of these claims under 35 U.S.C. §112 be withdrawn.

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III. Claim Rejections Under Section 102 based on Masuda

Claims 1 and 3 have been rejected as being allegedly anticipated under 35 U.S.C. §102(e) based on Masuda. Applicants have amended claims 1 and 3 to clarify that the system for controlling compressor surge includes a controller that operates to reverse the polarity of power to the electric motor in the event that a compressor surge state is detected.

Masuda discloses a control device for a turbocharger with an electric motor and a control method for the same, wherein at the most the control method takes into account whether the turbocharger compressor is out of a surge region for the purpose of providing maximum power to the electric motor, thereby providing a maximum amount of electric assistance to the turbocharger. Masuda, however, fails to disclose a control device configured to control compressor surge in the manner recited in the claim, i.e., to reverse the polarity of power to the electric motor.

Accordingly, since Masuda fails to disclose each invention feature as required to be a properly anticipating reference, Applicants submit that its invention as recited in amended independent claims 1 and 3 are not anticipated based on Masuda, and respectfully request that the rejection of these claims under 35 U.S.C. §102(e) be reconsidered and withdrawn.

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IV. Claim Rejections Under Section 102 based on Shaffer

Claims 2 and 4 have been rejected as being allegedly anticipated under 35 U.S.C. §102(e) based on Shaffer. Applicants have amended independent claims 2 and 4 in the same manner as noted above for claims 1 and 3, i.e., to clarify that the system for controlling compressor surge includes a controller that operates to reverse the polarity of power to the electric motor in the event that a compressor surge state is detected.

Shaffer discloses an inertia augmented turbocharger comprising the use of one or more flywheel and clutch assemblies to speed up or slow down the speed of turbocharger shaft rotation. Shaffer fails to disclose the concept of controlling turbocharger shaft rotation to control compressor surge. In fact, Shaffer fails to disclose the concept of compressor surge at all.

Accordingly, since Shaffer fails to disclose each invention feature as required to be a properly anticipating reference, Applicants submit that its invention as recited in amended independent claims 2 and 4 are not anticipated based on Shaffer, and respectfully request that the rejection of these claims under 35 U.S.C. §102(e) be reconsidered and withdrawn.

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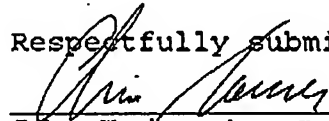
V. Conclusion

For the reasons presented above, Applicants respectfully request that the objection to the Oath/Declaration, and the rejections to the claims under 35 U.S.C. §112, and §102 be reconsidered and withdrawn, and that claims 1 to 4 be passed to allowance.

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Respectfully submitted,



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